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DIVISION OF SOCIAL JUSTICE
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ANDREW M. CUOMO
Attorney General

January 3, 2008

Hon. Paul A. Crotty
United States District Judge
United States Courthouse
500 Pearl Street, Room 735
New York, NY 10007

* SO ORDERED: JAN 03 2008
Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

Re: 07-CV-11301 (PAC) – Stephen Mitchell et al. V. Matricia Moore et al.
Defendant's Request for Pre-motion Conference

Dear Judge Crotty:

I represent the defendant New York State Workers' Compensation Board in the above case.

The plaintiff has advised me by telephone that a conference has been scheduled on Monday, January 7, 2008, at 3:30 p.m.

The defendant Workers' Compensation Board intends to move to dismiss the action with respect to the Board pursuant to FRCP Rule 12(b)(1) and (6), on the grounds that the Court lacks jurisdiction over the subject matter of defendant Moore's workers' compensation claims, that the complaint fails to state a claim against the Board upon which relief can be granted, and under the Burford abstention doctrine because the complaint seeks injunctive orders against the Board which would interfere with the Board's properly carrying out its duties under the New York Workers' Compensation Law.

* In order to save time for all parties, the Workers' Compensation Board respectfully requests that the conference already scheduled for January 7 serve also as a pre-motion conference for the Board's planned motion to dismiss the action with respect to the Board.

Respectfully submitted,

Steven Segall

Steven Segall
Assistant Attorney General

MEMO ENDORSED

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Hon. Paul A. Crotty

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